

Remarks

Reconsideration of remaining claims 1 and 3-35 is respectfully requested.

In the Office action dated December 15, 2005, the Examiner re-iterated the outstanding Restriction Requirement, objected to the drawings, and issued rejections and objections to the pending the claims. The Examiner's various points will be discussed below in the order appearing in the Office action.

Restriction Requirement

Applicants affirm the provisional election of **claims 1-35** (group I), drawn to a method of making a semiconductor waveguide (classified in claim 216, subclass 24).

Drawing Objection

The Examiner next objected to the drawings as not showing the step of "rounding" the waveguide as defined in claim 22. In response, applicants direct the Examiner's attention to FIG. 11, which illustrates the formation of a "rounded" waveguide that is created by depositing the waveguide material over a non-planar surface. It is believed that this illustration is sufficient for the purposes of claim 22.

Lastly, the Examiner requested that a legend such as "Prior Art" be added to the illustration of FIGs. 2 - 5. Applicants are submitting with this response a replacement sheet of drawings where the appropriate legend has now been added to the drawings of FIGs. 2-5.

Applicants believe that the drawings, in their amended form, are now in accord with the requirements of MPEP 608.02(g).

35 USC § 112, second paragraph Rejection, Claims 1-35

The Examiner first rejected claims 1-35 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention. In particular, the Examiner cited the use of the term "thin" in claim 1 as being unclear. In response, applicants have removed the phrase "relatively

thin” from each of the pending claims. The extensive amendments to claim 23 have further addressed the Examiner’s concerns regarding the lack of proper antecedent basis for the phrase “the blanket deposited silicon layer”. Lastly, applicants’ amendment of claim 1 to include the limitations of claim 2 has addressed the Examiner’s rejection of claim 27 as lacking proper antecedent basis.

Applicants assert that all pending claims are now in proper form and in condition for allowance.

35 USC § 102(e) Rejection - Claims 1 and 33-34

Claims 1 and 33-34 were rejected by the Examiner under 35 USC 102(e) as being anticipated by US Patent Publication 2002/0104822 (Naydenkov et al.). Applicants have amended claim 1 to include the limitation of claim 2, where this amendment is considered to overcome the anticipation rejection based on Naydenkov et al. Applicants thus respectfully request the Examiner to reconsider this rejection and find independent claim 1 (as amended), as well as dependent claims 33 and 34, to be in condition for allowance.

35 USC § 102(e) Rejection - Claims 1, 21 and 33-34

The Examiner next rejected claims 1, 21 and 33-34 under 35 USC 102(e) as being anticipated by US Patent 6,850,683 (Lee et al.). Applicants have amended independent claim 1 to include the limitation of claim 2, where this amendment is considered to overcome the anticipation rejection based on Lee et al. Applicants thus respectfully request the Examiner to reconsider this rejection and find independent claim 1 (as amended), as well as dependent claims 21, 33 and 34, to be in condition for allowance.

35 USC § 103(a) Rejection - Claims 29-32

Claims 29-32 were next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Naydenkov et al. (as cited above) or Lee et al. (as cited above). Inasmuch as claims 29-32 all depend from independent claim 1, which has been amended to include the limitations of claim 2, applicants believe that claims 29-32 are in condition for allowance over either Naydenkov et al. or Lee et al. Applicants thus respectfully

request the Examiner to reconsider this rejection and find claims 29-32 to be in condition for allowance.

Allowable Subject Matter

The Examiner has cited claims 2-20, 23-26 and 35 as “allowable over the prior art”. Applicants have therefore amended independent claim 1 to include the limitations of “allowable” claim 2. Further, claims 22 and 23 have been re-written in independent form, including all of the limitations of claim 1. Applicants believe that with these amendments remaining claims 1 and 3-35 are now all in condition for allowance.

Applicants therefore respectfully request the Examiner to reconsider the various rejections and find the case in condition for allowance. If for some reason or other the Examiner does not agree that the case is ready to issue, and that a telephone call or conference would further the prosecution, the Examiner is invited to contact applicants’ attorney at the telephone number listed below.

Respectfully submitted,

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